

REMARKS

The above amendments and these remarks are responsive to the Office action dated September 26, 2006. Claims 11-23 are pending in the application. Claims 11-23 are rejected. Applicant has amended claims 11, 15, 16, 22 and 23. In view of the above amendments and the following remarks, Applicant requests reconsideration of the rejected claims under 37 C.F.R. § 1.111.

Rejections under 35 U.S.C. § 112

The Examiner has rejected claims 11-23 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter that the Applicant regards as the invention.

More particularly, in claim 11, the Examiner suggests that the language “at least two joints (10, 30) which may pivot reciprocally” is unclear, it appears that joint element 10 is stationary. Applicant contends that joint element 10 does not pivot at the attachment of the joint element to support 100. However, joint element 10 is pivotally connected to middle element 20, as is clearly set out in the specification and drawings.

In order to more particularly claim their invention, the Applicant has amended claim 11 to recite that each joint element may be pivoted between two extreme positions in relation to each joint element that it is connected to. Applicant suggests it is now clear that joint element 10 may pivot with respect to the middle joint element 20 along rotational axis 40, and that second joint element 20 may also pivot with respect to the

middle joint element 20 along rotation axis 50. Support for the amendment is found in the drawings, and at page 5, lines 9-13.

In claim 15, the Examiner suggests that it is not clear what Applicant is trying to define with "cooperating fitting surfaces," and that the restriction of movement and the "fitting surfaces" in claims 15-16 should be more clearly described. Applicant suggests that the use of the phrase "cooperating fitting surfaces" in the specification in conjunction with reference number pairs 12, 21; 14, 23; 33, 22; and 35, 26 clearly defines surfaces that restrict the middle joint element and the second joint element from further movement. These "cooperating fitting surfaces" are described in the specification at page 7, lines 15-25; at page 8, line 23 to page 9, line 11; and at page 9, line 25 to page 10, line 33.

However, Applicant has nonetheless amended claim 15 to recite that each joint element is restricted by pairs of reciprocally cooperating fitting surfaces that are configured to abut when a joint element is pivoted to a certain point, thereby hindering further movement of the joint element. Particular support for the amendment is found in Fig. 6, and at page 7, lines 15-25 of the specification.

In claim 16, the Examiner suggests that it is not clear how the "cooperating fitting surfaces are equipped with rotational stoppers." As is made clear in the figures and specification, the "rotational stoppers" refer to additional dampening elements attached to the cooperating fitting surfaces in order to soften the contact when two cooperating fitting surfaces connect.

However, the Applicant has amended claim 16 to recite that one or both members of a pair of cooperating fitting surfaces are equipped with rotational stoppers that are configured to dampen the impact of the pair of cooperating fitting surfaces. Support for the amendment is found in the specification at page 7, lines 26-30.

In claim 23, line 1, the Examiner questions whether the “seat device” is the same as the “seat device of claim 11”, the “base” the same as the “support in claim 11”, and the “mobile joint” the same “mobile joint” as in claim 11. Applicant confirms that the seat device (100) in line 1 designates the same seat device (100) as in claim 11, that the base (200) is the same as the support (200) in claim 11, and that the mobile joint (1) is the same as the mobile joint (1) in claim 11. Applicant has amended claim 23 accordingly.

Applicant suggests that, in view of the above amendments and remarks, claims 11-23 particularly and distinctly define the claimed subject matter, particularly in view of the guidance provided by the specification and drawings. Applicant therefore respectfully requests the withdrawal of the rejection of claims 11-23 under 35 U.S.C. § 112, second paragraph.

Rejections under 35 USC § 102

Claims 11-14, 17-18, 20 and 23 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 2,949,153 (Hickman). The Applicant respectfully disagrees.

- The Examiner suggests that Hickman teaches a mobile joint for a seating

construction. Applicants disagree, and suggest that Hickman does not teach a mobile joint, but rather a seat suspension system (see Hickman at column 1, lines 41-42). In particular, the seat suspension is intended for use in vehicles under extreme rough conditions, wherein “fore-and-aft and lateral tilting of the seat is prevented” (column 1, lines 33-34). The suspension device of Hickman is not intended to tilt, and is most definitely not intended to “allow a tilting movement of the seat device effected by the users weight displacement” as recited in claim 11. Rather, Hickman provides a seat structure “in which the seat part remains level at all elevations” (see column 1, line 60).

The contrast between the suspension of Hickman and the mobile joint of claim 1 is emphasized by considering the parallelogram structure of the Hickman suspension. As shown in Fig. 1, parallel pivot pins (23, 23) attach the middle parallel joint elements (30, 32) to the support (18), with double bolts (39, 40) attaching the joint elements to the seat device (15). This construction *hinders* tilting of the seat, rather than facilitating it.

In order to anticipate a claim, the reference must disclose each and every element of the claim, as it is set out in the claim. As the Hickman reference fails to disclose each and every element of claim 11, Applicant suggests that claim 11 is not anticipated by the reference. As claims 12-14, 17-18, 20 and 23 depend directly or indirectly from claim 11, Applicant suggests they are similarly not anticipated by Hickman.

Claims 11-14, 17-18, 20 and 23 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 2,932,341 (Morrison et al.). The Applicant respectfully

disagrees.

Similarly to Hickman, the Morrison et al. reference describes a vehicle seat intended to remain level, similarly having a suspension arrangement wherein a parallelogram structure of parallel pivot pins (44, 46) attaches the middle parallel joint elements (48, 50) to the support (94, 96) and double bolting (52, 54) attaches the joint elements to the seat device 24. This construction provides for "substantially vertical movement, which movement is controlled in part by the parallel links 48 and 50 and in part by the spring and shock-absorber unit 86-88" (see col. 4, lines 43-47). However, this construction fails to provide for tilting of the seat, as recited in instant claim 11.

More specifically, Morrison describes "the arrangement of the seat in such manner that it can be adjusted rearwardly and upwardly" (col. 2, lines 47-48). Precisely because the seat cannot be readily tilted, the seat incorporates side portions to support the rider on sloping terrain (see col. 2, lines 19-27).

As the seat suspension of Morrison et al. fails to demonstrate each and every element recited in claim 11, Applicant respectfully suggests that Morrison et al. fails to anticipate the subject matter of claim 11. As claims 12-14, 17-18, 20 and 23 depend directly or indirectly from claim 11, Applicant suggests that they are similarly not anticipated by the reference.

Claims 11-14, 17-18 and 22-23 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,034,948 (Brownell). The Applicant respectfully

disagrees.

Applicant contends that similar to the Hickman and Morrison et al. references, Brownell also describes a parallelogram suspension structure which fails to provide for tilting of the seat device (32). Specifically, the construction of the suspension includes the rotational axis (18, 24) attaching the middle parallel joint elements (22, 24) to the support (12, 14) and double pins (28, 30) attaching said elements to element (26). None of these elements permit tilting of the seat device.

The ability to tilt the seat (32) is provided by a fifth pivot pin (34) in combination with an actuating system including a lever (70), actuating bar (72) and spring (60). The Applicant notes that the tilt mechanism of Brownell does not include the joint elements identified by the Examiner, nor does it permit a tilting movement of the seat device effected by the users weight displacement, as recited in claim 11.

As the seat suspension of Brownell fails to demonstrate each and every element recited in claim 11, Applicant respectfully suggests that Brownell fails to anticipate the subject matter of claim 11. As claims 12-14, 17-18, and 22-23 depend directly or indirectly from claim 11, Applicant suggests that they are similarly not anticipated by the reference.

Claims 11-14 and 17-23 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 3,599,232 (Tabor). The Applicant respectfully disagrees.

Applicant suggests, that similar to each of the references cited above, Tabor

describes a parallelogram-based suspension structure. Similar to the prior cited references, the suspension of Tabor is intended to "provide a vehicle seat suspension system for absorbing the light shocks and vibrations encountered by the moving vehicle" and to "provide a vehicle seat suspension system wherein the driver can vary the height of the seat while driving" (see col. 1, lines 32-45). However, the seat suspension of Tabor fails to permit tilting of the seat device, and fails to permit tilting of the seat device effected by the users weight displacement.

As the seat suspension of Tabor fails to demonstrate each and every element recited in claim 11, Applicant respectfully suggests that Tabor fails to anticipate the subject matter of claim 11. As claims 12-14, and 17-23 depend directly or indirectly from claim 11, Applicant suggests that they are similarly not anticipated by the reference.

It is now believed that the subject patent application has been placed in condition for allowance, and such action is respectfully requested. If the Examiner has any questions or concerns, or if a telephone interview would in any way advance prosecution of the application, please contact the undersigned agent of record.

The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 11-1540.

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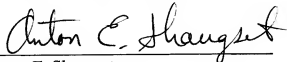
I hereby certify that this correspondence is being filed electronically via the EFS-Web system at www.uspto.gov on February 26, 2007.



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